

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

919 CIVIL APPLICATION NO.8298 OF 2018
IN FAST/17107/2017

GANESH BHAGWAN MAHAJAN AND ANR
VERSUS
IFFCO TOKYO GENERAL INSURANCE CO. LTD, THROUGH ITS
AUTHORIZED SIGNATORY, AURANGABAD

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Advocate for Applicants : Mr. D.B. Shinde
Advocate for Respondent No. 1 : Mr. S.S. Dargad h/f Mr. S.G.
Chapalgaonkar

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CORAM : V.L. ACHLIYA, J.

DATED : 29th MARCH, 2019

PER COURT:-

1. Heard.
2. The applicants – claimants have moved this application for withdrawal of amount deposited by the appellant – insurance company.
3. The learned counsel for the appellant – insurance company opposed the withdrawal of the amount with contention that the amount awarded is of too much on higher side. It is submitted that the claimants has filed application seeking compensation of Rs.2,00,000/-. However, the Tribunal has awarded compensation of Rs.7,00,000/-. It is submitted that in case of minors, the notional income is generally taken into consideration in between Rs.15,000 to Rs.30,000/-. Considering the fact that the deceased was minor, the compensation is not more than Rs.2,50,000/- could have been awarded in the matter.

4. On due consideration of the submissions advanced in the light of overall facts of the case and the grounds raised in the appeal, I am of the view that passing of following order would meet the ends of justice :-

O R D E R

[i] Subject to final out come of the appeal, the applicants are permitted to withdraw the amount to the extent of Rs.4,00,000/- (Rupees Four Lakhs) out of the amount deposited by the appellant – Insurance Company. The amount of Rs.4,00,000/- (Rupees Four Lakhs) be paid to applicant nos. 1 and 2 in equal proportion by transferring the amount in their respective saving accounts (as per particulars of accounts to be furnished by the applicants) on furnishing usual undertaking to the satisfaction of Registrar (Judicial) with condition that in the event, the impugned judgment and award is set aside or modified, the applicants shall deposit the amount with this Court in terms of the order to be passed in the appeal within eight weeks from the date of order.

[ii] After paying the amount of Rs.4,00,000/- (Rupees Four Lakhs), the balance amount be invested in a fixed deposit, initially for a period of 28 months with standing instructions to renew the same for further period till the withdrawal of the amount.

5. The Civil Application is disposed of in above terms.

(V.L. ACHLIYA)
JUDGE